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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

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Courtney Jayne, individually and  
as Personal Representative of the  
Estate of M.Z.,

Plaintiff, Case No: 4:18-CV-4088-KES

vs.

City of Sioux Falls,

Defendant.  
-----

**CERTIFIED COPY**

DEPOSITION OF  
COURTNEY JAYNE  
MINNEAPOLIS, MINNESOTA  
JULY 31, 2019

ATKINSON BAKER, INC.  
(800) 288-3376  
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REPORTED BY: LISA M. THORSGAARD, RPR

FILE NO: AD07164

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Defendant.  
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Deposition of COURTNEY JAYNE, taken on  
behalf of Defendant, at Robins Kaplan, Suite 2800, 800  
LaSalle Avenue, Minneapolis, Minnesota 55402,  
commencing at approximately 9:00 a.m., Wednesday,  
July 31, 2019, before Lisa M. Thorsgaard, RPR.

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A-P-P-E-A-R-A-N-C-E-S

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1 Falls?

2 A Crissy.

3 Q And how long were you in Sioux Falls?

4 A We arrived in Sioux Falls on Friday of that  
5 weekend. Gosh, I would say around 7 maybe.

6 Q And how long did you plan to stay?

7 A Until Sunday afternoon-ish. There wasn't a  
8 real set exact plan. We didn't have to be  
9 anywhere until Monday morning.

10 Q Did you all come in one vehicle?

11 A We did, yes.

12 Q How many total?

13 A Seven.

14 Q And who drove?

15 A I did.

16 Q Do you remember what you did in Sioux Falls  
17 before you went to Falls Park?

18 A Yes, I do. We went to -- I can't remember the  
19 name of it but it was a Brazilian  
20 steakhouse -- on the night that we got there.  
21 The next day we went to -- oh, and we played  
22 in the -- the hotel we were at had kind of a  
23 little mini water park, so we did that when we  
24 were done. And then the next day we went to  
25 Wing Stop, I believe, and then to Chuck E.

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1 Q And what are you referring to?

2 A I'm referring to the foam in the river, on the  
3 river.

4 Q Is that the first time you had noticed it?

5 A It was -- yes. It was the first time that I  
6 made any sort of mental note of it, yes.

7 Q And what do you remember thinking about it at  
8 the time?

9 A That look at that ginormous pile of snow.

10 Q Do you recall any discussion about that after  
11 you noticed it?

12 A Not that I recall.

13 Q Did you say anything about it to anyone else  
14 in the group?

15 A I may have said look at that snow, but I'm  
16 really not sure what -- I don't know if I said  
17 it out loud or not. I just know that I  
18 definitely had that mental, you know, check  
19 like and thought about it.

20 Q After that observation, what do you remember  
21 happening?

22 A I remember walking toward what I thought was  
23 snow. And everyone that was with us was sort  
24 of a little bit ahead of me with the exception  
25 of Myah. She was right next to me and I was

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1 A Walking.

2 Q Okay. Were they walking toward the foam?

3 A Yes.

4 Q Do you think that they were interested in the  
5 foam?

6 A For sure, yes.

7 Q Was there any conversation about that once  
8 you were on the rocks?

9 A No.

10 Q How close do you think you got to the foam  
11 that you described before -- I'm sorry. I  
12 should clarify this -- before Maggie fell  
13 into the river?

14 A I am -- I would say approximately ten feet.

15 Q When was that with respect to the time that  
16 Maggie fell into the river?

17 A I don't understand what you're saying.

18 Q Yeah. I'm just trying to get a sense of time  
19 and what happened.

20 And so the group is together on the  
21 rocks and there's interest in the foam. And  
22 at some point you got within, you think, ten  
23 feet --

24 A I believe, yes.

25 Q -- of the foam. And I'm wondering how long

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